MONTANA LEGISLATIVE HISTORY

Chapter 516 1979

Bill H 57 S _____ Original bill & history ____C

H. Committee on Business & Industry		S. Committee on Business & Industry	
Hearing Date(s) Jan 18	✓ C	Hearing Date(s) Mar 14	✓ C
Jan 23	✓ C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Jan 23	✓ C	Mar 14	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 57

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO CONSTRUCTION STANDARDS FOR UTILITY LINES AND FACILITIES TO CONFORM WITH THE NATIONAL ELECTRICAL SAFETY CODE; INCREASING THE MAXIMUM ELECTRIC POTENTIAL FOR CERTAIN EXEMPTIONS FROM 250 VOLTS TO 450 VOLTS AND REVISING THE PENALTY FOR VIOLATIONS; AMENDING SECTIONS 69-4-201, 69-4-203, 69-4-204, AND 69-4-205, MCA; AND REPEALING SECTIONS 69-4-202 AND 69-4-211 THROUGH 69-4-241, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-4-201, MCA, is amended to read:

"69-4-201. Application of national electrical safety code. The national electrical safety code standards shall govern all future construction where involving wires for power, heat, light, telephone, telegraph, or signal ~~cross each other or cross railroad tracks~~ transmission or reception. ~~Hereafter all future~~ Except as provided in 69-4-203, electrical construction of overhead and underground electrical supply and communication lines in the state ~~not provided for by the provisions of this part~~ shall be in conformity with the rules ~~and regulations~~ set forth in the national electrical safety code approved by the American ~~engineering standards committee~~ national standards institute as published by the ~~department of commerce of the United States and any and all revisions thereof as the same may exist from time to time; provided, that this section shall not be held to apply to interstate railroad electrification construction except where the wire or wires of the railroad cross or are crossed by wires belonging to others~~ American institute of electrical and electronic engineers. ~~Said safety code shall be interpreted and enforced by the public service commission as furnishing the standards of construction. This section shall not be held to conflict with any of the specific provisions of the laws of Montana.~~ The national electrical safety code shall furnish construction standards and shall be interpreted and enforced by the public service commission."

Section 2. Section 69-4-203, MCA, is amended to read:

"69-4-203. Scope of law. ~~(1) Nothing in Chapter 137, laws of 1941, shall be construed as applying to~~ Section 69-4-201 shall not apply to:

(1) interstate railroad electrification construction except where the wires of the railroad cross or are crossed by wires belonging to others; and

(2) any electrical construction of any person using such the construction for power wires where:

(a) such the construction and wires and the power plant furnishing electricity therefor are wholly owned by such this person and the electricity conducted thereby is produced and used solely by such this person on his own premises and not sold or delivered to any other person off his premises;

(b) the wires or construction are not upon or do not cross over or across any highway or public place or the property of others; and

(c) such these wires every have a potential of less than 250450 volts of electricity between any phases.

(2) Nothing contained in this part shall be construed to repeal 69-4-202."

Section 3. Section 69-4-204, MCA, is amended to read:

"69-4-204. Repealing--clause Effect of local ordinances. All acts or parts of acts and all ordinances or parts of ordinances of cities and towns in the state in conflict with Chapter 111, Laws of 1917, the national electrical safety code are hereby repealed, and hereafter no No ordinance in conflict with any provisions of Chapter 111, Laws of 1917, shall the national electrical safety code may be enacted or passed in any city or town in the state."

Section 4. Section 69-4-205, MCA, is amended to read:

"69-4-205. Violations. Every corporation or joint-stock company or individual which shall violate any of

the provisions of Chapter 111, Laws of 1917, shall be violates 69-4-202 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 or more than $500."

Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Repealer. Sections 69-4-202 and 69-4-211 through 69-4-241, MCA, are repealed.

-End-

BUSINESS & INDUSTRY COMMITTEE

NOTIFICATION SHEET

Bill #	Date Hearing	Committee Members	Sponsor	Chief Clerk	OUT	Received from Sgt. at Arms
HB 3	1/9/79	1/8/79	Hand	1/6/79	1/9	1/4/79
HB 13	1/11/79	1/9/79	Nathe	1/9/79	1/11	1/4/79
HB 14	1/11/79	1/9/79	Nathe	1/9/79	1/11	1/4/79
HB 15	1/11/79	1/9/79	Quilici	1/9/79	1/11	1/4/79
HB 16	1/11/79	1/9/79	Quilici	1/9/79	1/11	1/4/79
HB 17	1/15/79	1/11/79	Tropila	1/11/79	1/15	1/4/79
HB 18	1/15/79	1/11/79	Tropila	1/11/79	1/15	1/4/79
HB 19	1/12/79	1/10/79	Manning	1/10/79	1/12	1/4/79
HB 21	1/12/79	1/10/79	Quilici	1/10/79	1/12	1/4/79
HB 39	1/12/79	1/10/79	Manuel	1/10/79	1/12	1/4/79
HB 57	1/18/79	1/16/79	Spilker	1/16/79	AADP 1/23	1/4/79
HB 59	1/15/79	1/10/79	Kropp	1/11/79	DO PASS	1/4/79
HB 78	1/8/79	1/9/79	Menahan	1/5/79	1/26 TABLED	1/4/79
HB 89	1/12/79	1/9/79	Burnett	1/10/79	1/24 DNP	1/9/79
HB 92	1/12/79	1/9/79	Robbins	1/10/79	1/12	1/9/79
HB 104	1/16/79	1/13/79	Pavolivich	1/13/79	1/16	1/11/79
HJR 4	1/16/79	1/13/79	Scully	1/13/79	1/26 DP	1/11/79
HB 108	1/16/79	1/13/79	Lien	1/13/79	1/16	1/12/79
HB 109	1/16/79	1/13/79	Burnett	1/13/79	1/19	1/12/79
HB 110	1/17/79	1/13/79	Burnett	1/13/79	1/19	1/12/79
HB 111	1/17/79	1/13/79	Burnett	1/13/79	1/19	1/12/79
HB 120	1/17/79	1/13/79	Hand	1/13/79	1/17	1/12/79
HB 121			Vincent		dead	1/12/79
HB 176	1/29	1/24	Gerke	1/24	1/29 DP	1/15/79 fiscal no

January 18, 1979
Business & Industry
46th Legislative Session

The Business & Industry Committee held a meeting January 18, 1979 at 8:00 a.m. in room 437. Chairman Joe Quilici called the meeting to order and the secretary called the roll. All members were present except Rep. Nathe and Rep. Oberg who were excussed.

Chairman Quilici opened the hearing on HB 57.

Rep. Spilker, sponsor of HB 57, introduced the bill to the committee. The bill is an act to revise the laws relating to construction standards for utility lines and facilities to conform with the National Electrical Safety Code.

Proponent for HB 57, Jim Watson with the PSC, gave testimony in support of the bill. Mr. Watson passed out copies of the Electrical Construction Regulations code book. He also passed around a picture of two utilitiy poles, one showing insulated wiring and the other without any wiring. According to the National Electrical Safety Code all utility wiring would have to be insulated. (Copies of the Electrical Construction Regulations and the National Electrical Safety Code books are attached.)

Mr. Jim Hughs representing MT Bell gave supporting testimony.

There were no opponents to HB 57.

Chairman asked for questions from the committee. Mr. Hughs and Mr. Watson answered questions for the committee.

Rep. Spilker gave closing statement on HB 57. Rep. Spilker said that the bill would provide needed updating of the code and also allow for flexability in the code.

Hearing was closed on HB 57.

Executive Session:

It was discussed and decided by the committee that action on HB 57 would be deferred until the National Electrical Safety Code could be looked into by some of the members

Action taken on HB 109.....hearing 1/15/79

Rep. Ellerd made a motion that HB 109 DO NOT PASS. Chairman asked for discussion from the committee. Rep. Harper said that he felt HB 109 could be a good bill if amended. Rep. Harper explained his proposed amendments to the committee .

January 23, 1979
Business & Industry
46th Legislative Session

The Business & Industry Committee held a meeting on January 23, at 9:00 a.m. in room 437. Chairman Quilici called the meeting to order and secretary called the roll. All members were present except Rep. Kessler and Rep. Vincent who were excused. Rep. Oberg came in late.

Hearing was opened on HJR 8...

Rep. Harrington, sponsor, explained the resolution to the committee. Rep. Harrington said that he felt it was important to have these guidelines and that it should not slow down the rate of growth of the utilities.

Mr. Bill Opitz, PSC, gave supporting testimony for HJR 8. Mr. Opitz passed out copies of Federal Anti-Inflation Guidelines; a policy which was adopted by the Public Service Commission on December 21, 1978. (See Exhibit "A") Mr. Opitz also read a letter addressed to Mr. Gordon Bollinger from Governor Judge in which Governor Judge commended the Public Service Commission for actions taken to control inflation. (See Exhibit "B") Because the PSC has adopted the policy statement Mr. Opitz suggested that the resolution be amended as shown on attached comment sheet. (See Exhibit "C")

There were no other proponents.

Mr. Jim Hughs representing Mountain Bell spoke in opposition of the resolution. Mr. Hughs said that there were inadaquacies in the drafting of the bill. He did agree that the resolution needed amendments. The part referring "to one-half percent increase below the utility's average amual rate of price increase during 1976 and 1977", seemed to be the area of concern.

Mr. Lester Loble representing the Montana Dakota Utilities Co. gave brief opposing testimony; stated the present guidelines would accomplish the needed deceleration in utility inflation.

Mr. Gene Phillips of the Pacific Power & Light Co. in Kalispell spoke in opposition of the resolution. Also Mr. Bob Gannon of Mt. Power Co. stated that he was in concurrance with the other opponents.

Chairman called for questions from the committee. Rep. Harrington was asked if he had any objections to the proposed amendment made by Mr. Opitz. Rep. Harrington said that he had no objections. Rep. Harrington gave closing statement on HJR 8.

Executive Action:

Action taken on HJR 8...

Rep. Cooney made a motion that the amendment stated by the PSC be adopted. Chairman Quilici asked the committee if they had any discussion.

Rep. Spilker made a sub-motion to amend the amendment, adding the word "voluntary" on line 3 and adding the word "and" on page 5. (See Exhibit "C"). Discussion was called for. Question called, a vote was taken and carried unanimously to amend the amendment. (Rep. Vincent abstained)

Rep. Cooney made a motion that HJR AS AMENDED DO PASS. Chairman asked for discussion from the committee. Some of the committee felt that there was no need for this resolution because it had no purpose except to pat the PSC on the back.

Rep. Ellerd made a sub-motion that HJR AS AMENDED DO NOT PASS. Rep. Tropila said that he felt the resolution as amended served no purpose and made a motion to amend as follows:

Page 1, lines 15-17
Following: "to"
Strike: one-half of a percentage point below the utility's average annual rate of price increase during 1976 and 1977"
Insert: "keep within the guidelines as adopted in their policy statement of December 21, 1978."

Sub-motion to amend was seconded. Following discussion, question called; a vote was taken and carried unanimously to amend HJR.

Rep. Cooney original motion that HJR AS AMENDED DO PASS was seconded. Following discussion from the committee a roll call vote was taken. The vote carried 14-2, with 3 members not voting, that HJR AS AMENDED DO PASS.

Action taken on HB 57....hearing was on 1/18/79

Following discussion, Rep. Ellison made a motion that HB 57 DO PASS. Chairman called for questions from the committee. Rep. Spilker made a sub-motion to amend HB 57 on page 2, line 8, following ~~others~~, strike American. Question called for, a vote was taken and carried unanimously to amend HB 57.

Rep. Ellison made a motion that HB 57 AS AMENDED DO PASS. the motion was seconded. Question called for, a vote was taken and carried unanimous that HB 57 AS AMENDED DO PASS.

46TH LEGISLATIVE SESSION

COMMITTEE ON BUSINESS & INDUSTRY

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB # 13	1/15/79	----	3/1/79	----	Transferred to Highways and Transportation				
HB # 14	1/15/79	3/12/79	3/12/79					3/12/79	
HB # 15	1/15/79	----	3/1/79	----	Transferred to Highways and Transportation				
HB # 16	1/15/79	3/1/79	3/1/79				3/1/79		
HB # 17	1/19/79	----	3/1/79	----	Transferred to Highways and Transportation				
HB # 19	1/15/79	----	3/1/79	----	Transferred to Highways and Transportation				
HB # 20	1/15/79	3/14/79	3/14/79				3/14/79		
HB # 21	1/20/79	3/1/79	3/9/79					3/9/79	
HB # 24	1/27/79	3/9/79	3/9/79					3/9/79	
HB # 39	1/15/79	3/1/79	3/1/79				3/1/79		
HB # 57	1/27/79	3/14/79	3/14/79					3/14/79	
HB # 92	1/18/79	3/1/79	3/1/79				3/1/79		
HB # 108	1/20/79	3/3/79	3/3/79				3/3/79		
HB # 228	2/14/79								
HB # 241	2/7/79	3/14/79	3/14/79				3/14/79		
HB # 316	2/6/79	----	2/28/79	----	Transferred to Public Health Committee				

Use a separate sheet for Senate, House Bills, and Resolutions.

STATE LAW LIBRARY
AUG 10 1979
OF MONTANA

HOUSE BILL NO. 57

INTRODUCED BY SPILKER

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO CONSTRUCTION STANDARDS FOR UTILITY LINES AND FACILITIES TO CONFORM WITH THE NATIONAL ELECTRICAL SAFETY CODE; INCREASING THE MAXIMUM ELECTRIC POTENTIAL FOR CERTAIN EXEMPTIONS FROM 250 VOLTS TO 450 VOLTS AND REVISING THE PENALTY FOR VIOLATIONS; AMENDING SECTIONS 69-4-201, 69-4-203, 69-4-204, AND 69-4-205, MCA; AND REPEALING SECTIONS 69-4-202 AND 69-4-211 THROUGH 69-4-241, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-4-201, MCA, is amended to read:

"69-4-201. Application of national electrical safety code. The national electrical safety code standards shall govern all future construction where involving wires for power, heat, light, telephone, telegraph, or signal ~~cross each other or cross railroad tracks~~ transmission or reception. ~~Hereafter all future~~ Except as provided in 69-4-203, electrical construction of overhead and underground electrical supply and communication lines in the state ~~not provided for by the provisions of this part~~ shall be in conformity with the rules ~~and regulations~~ set forth in the national electrical safety code approved by the American ~~engineering standards committee~~ national standards institute as published by the ~~department of commerce of the United States and any and all revisions thereof as the same may exist from time to time; provided, that this section shall not be held to apply to interstate railroad electrification construction except where the wire or wires of the railroad cross or are crossed by wires belonging to others~~ American institute of electrical and electronic engineers. ~~Said safety code shall be interpreted and enforced by the public service commission as furnishing the standards of construction. This section shall not be held to conflict with any of the specific provisions of the laws of Montana.~~ The national electrical safety code shall furnish construction standards and shall be interpreted and enforced by the public service commission."

Section 2. Section 69-4-203, MCA, is amended to read:

"69-4-203. Scope of law. ~~(1) Nothing in Chapter 137, Laws of 1941, shall be construed as applying to~~ Section 69-4-201 shall not apply to:

(1) interstate railroad electrification construction except where the wires of the railroad cross or are crossed by wires belonging to others; and

(2) any electrical construction of any person using such the construction for power wires where:

THIRD READING

(a) such the construction and wires and the power plant furnishing electricity therefor are wholly owned by such this person and the electricity conducted thereby is produced and used solely by such this person on his own premises and not sold or delivered to any other person off his premises;

(b) the wires or construction are not upon-or-do-not cross over or across any highway or public place or the property of others; and

(c) such these wires carry have a potential of less than 250450 volts of-electricity between any phases.

~~(2) --Nothing-contained-in-this-part-shall-be--construed to-repeal-69-4-202.~~"

Section 3. Section 69-4-204, MCA, is amended to read:

"69-4-204. ~~Repealing---clause~~ Effect of local ordinances. ~~All acts-or-parts-of-acts-and-all~~ ordinances or parts of ordinances of cities and towns in the state in conflict with ~~Chapter--171,--Laws--of--1917,~~ the national electrical safety code are hereby ~~repealed,--and--hereafter no.~~ No ordinance in conflict with any provisions of ~~Chapter 171,-Laws-of-1917,-shall~~ the national electrical safety code may be enacted ~~or-passed~~ in any city or town in the state."

Section 4. Section 69-4-205, MCA, is amended to read:

"69-4-205. Violations. Every corporation or joint-stock company or individual which ~~shall-violate-any-of~~

~~the--provisions--of--Chapter--171,--Laws--of--1917,-shall-be~~ violates 69-4-201 is guilty of a misdemeanor ~~and--upon conviction--thereof--shall-be-punished-by-a-fine-of-not-less than-$100-or-more-than-$1,000.~~"

Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Repealer. Sections 69-4-202 and 69-4-211 through 69-4-241, MCA, are repealed.

-End-

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 14, 1979

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members were present with the exception of Senator Lowe who was excused.

HOUSE BILL 649: Representative Daniel Kemmis, sponsor of HB 649, explained the bill to the Committee. This bill expands the tax credit provision that presently encourages public utilities to provide low-interest loans for energy conservation to include alternative energy generation systems. The bill gives the credit to financial institutions that make such loans. The bill also puts a minimum interest rate of 5% on the loans.

Representative Kemmis stated that solar systems are usually too expensive to install. He suggested they apply a fraction of the difference if the fiscal impact of the bill is too large without a change like that. He asked the Committee not to do away with the incentives of the bill.

PROPONENTS OF HOUSE BILL 649: Ms. Connie Krautter of Helena, representing the Environmental Information Center, stated they are in support of HB 649. Ms. Krautter's printed testimony is attached to the minutes.

Mr. E. O. Abel from Hamilton, Montana, representing Energy Solutions Inc., and Montana Solar Industry Committee, stated they are in support of HB 649. Mr. Abel stated that renewable sources of energy are becoming increasingly important, and it is unfortunate that solar energy development costs are so high. His firm supplies solar energy equipment.

Mr. Ronald Pogue of Helena, representing Alternative Energy Resources Organization, stated they support HB 649. They cannot compete directly with conventional fuels. He commented that costs of energies would be competctive if it weren't for subsidies.

OPPONENTS OF HOUSE BILL 649: Representative Fabrega stated that they support the principle of the bill, but he doesn't believe the state can afford that level of subsidy. Representative Fabrega from the Taxation Committee, requested that the Committee not kill the bill but table it until the Taxation Committee have a chance to look into it more closely.

Mr. Bill Groff from the Department of Revenue told the Committee that the state is working under an extremely tight budget and may not be able to afford it at this time. He feels more research should be done.

There was a question and answer period from the Committee.

Senator Regan suggested that Representative Kemmis go to the Taxation Committee and see what could be done to get the bill through.

Senator Dover asked whether the loan would be just for the energy part of a new house.

Representative Kemmis stated that it would and on a new house you would probably have to have two separate loans.

Senator Goodover asked Mr. Pogue if he had energy heating cost figures for Montana. Mr. Pogue stated they did not have figures at the present time.

Senator Blaylock questioned the cost of heating an average size home with solar energy.

Mr. Abel stated that a 1,500 sq. ft. home for a family of four would take about 500 sq. ft. of solar panels at a cost of about $30 a sq. ft. and this would come to an initial cost of $15,000. It could be more or less.

Representative Kemmis told the Committee he would be glad to prepare a Statement of Intent, if one is needed, after he talks with the Taxation Committee.

Representative Kemmis made closing remarks to the Committee. He told the Committee that we do have the potential for a new industry in Montana, but in order to make that industry competitive the state would have to become involved in some way. He stated that the financial institution and the utilities could bear part of the cost. He will work on amendments and ask the Committee to hold the bill until later.

Chairman Hazelbaker closed the hearing on HB 649.

HOUSE BILL 57: Represenative Barbara Spilker, sponsor of HB 57, explained the bill to the Committee. This bill is by request of the Public Service Commission and generally revises and clarifies the laws relating to utility line construction standards. Rep. Spilker stated that 30 other states have already adopted these codes. This code is revised every three years.

Mr. Jim Watson of Helena, representing the Montana Public Service Commission, distributed booklets entitled, Electrical Construction Regulations. This booklet is attached to the minutes. Mr. Watson's printed testimony is also attached to the minutes.

Mr. Bob Gannon of Butte, Montana, representing the Montana Power Company, stated they support HB 57.

Mr. James Hughes of Helena, representing Mountain Bell, stated they support the bill and offered an amendment to HB 57 as follows:

1. Page 2, line 15.
Following: "be"
Strike: "interpreted and"

There were no opponents to House Bill 57 present at the hearing.

There was a question and answer period from the Committee.

Senator Regan inquired how you could enforce something if you can't interpret it.

Mr. Hughes stated that the board would be able to interpret it.

Mr. Opitz and Mr. Gannon stated they would not object to the proposed amendment.

Representative Spilker made closing remarks stating that she would hope that the Committee would Concur In HB 57.

Chairman Hazelbaker closed the hearing on HB 57.

HOUSE BILL 20: Representative Robert Dozier, sponsor of House Bill 20 explained the bill to the Committee. This bill is by request of the PSC, and provides that only those companies that derive $5 million or 5% of their gross revenue from Montana sources must have such approval.

PROPONENTS OF HOUSE BILL 20: Mr. Bill Opitz from the Public Service Commission stated this legislation is necessary and they support HB 20.

There were no other proponents or opponents to HB 20 present at the hearing.

There was a question and answer period from the Committee.

Senator Kolstad inquired as to how many customers would fall into this category.

Mr. Opitz stated that he thought three which are Black Hills Power & Light, Northern Natural Gas, and Washington Water and Power.

HOUSE BILL 241: Mr. William Groff from the Department of Revenue explained HB 241 to the Committee in the absence of Representative Menahan, sponsor of HB 241, who was unable to be present at the hearing. This bill provides for the consideration of all personal and family assets and financial resources (instead of income only) for purposes of determining eligibility for assistance under the Housing Act of 1975.

There were no other proponents or opponents to HB 241 present at the hearing.

Chairman Hazelbaker closed the hearing on House Bill 241.

DISPOSITION OF HOUSE BILL 241: Senator Dover moved that HB 241 Be Concurred In. Senator Goodover seconded the motion. The Committee voted unanimously that HOUSE BILL 241 BE CONCURRED IN.

Senator Dover will carry House Bill 241 on the floor.

DISPOSITION OF HOUSE BILL 20: Senator Kolstad moved that House Bill 20 Be Concurred In. The Committee voted unanimously that HOUSE BILL 20 BE CONCURRED IN.

Senator Kolstad will carry House Bill 20 on the floor.

DISPOSITION OF HOUSE BILL 57: Senator Dover moved that the proposed amendment to HB 57 be adopted. Senator Regan stated that she resisted the amendment. Senator Hager stated that he supported the amendment. He feels the whole package should be bought. Senator Kolstad stated he felt they had no need for the amendment. Senator Goodover agreed with Senator Hager. Senator Regan stated she felt there was a question of semantics and would hope they would resist the amendment because the initial interpretation must be made at the local level.

A Roll Call Vote was taken on the adoption of the proposed amendment to HB 57. The motion to adopt the amendment passed by a 5-4 vote. This Roll Call Vote is attached to the minutes.

Senator Dover moved that House Bill 57 Be Concurred In as so amended. The Committee voted unanimously that HOUSE BILL 57 BE CONCURRED IN AS SO AMENDED.

Senator Regan moved that the Committee withhold executive action on HB 649 until we hear from Representative Kemmis regarding the bill. The Committee agreed to this.

ADJOURN: There being no further business, the meeting was adjourned at 11:00 a.m.

Senator Frank Hazelbaker, Chairman

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

46TH LEGISLATIVE SESSION - - 1979 Date March 14

NAME	PRESENT	ABSENT	EXCUSED
Pat Goodover, Vice Chairman	✓		
Chet Blaylock	✓		
Harold Dover	✓		
Tom Hager	✓		
Allen Kolstad	✓		
Bill Lowe			
John Mehrens	✓		
Bob Peterson	✓		
Pat Regan	✓		
Frank Hazelbaker, Chairman	✓		

SENATE COMMITTEE BUSINESS & INDUSTRY

Date March 14, 1979 Bill No. 145 57 Time 11:00 a.m.

NAME	YES	NO
Pat M. Goodover, Vice Chairman	✓	
Chet Blaylock	✓	
Harold Dover	✓	
Tom Hager	✓	
Allen Kolstad		✓
Bill Lowe	absent	
John Mehrens		✓
Bob Peterson		✓
Pat Regan		✓
Frank Hazelbaker, Chairman	✓	

Marjorie Nichols
Secretary

Chairman

Motion: adopt amendment # 2457
Page 2, line 15 "third" Integrated cycle"

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 14, 1979

MR. President:

We, your committee on Business and Industry

having had under consideration House Bill No. 57

Spilker (Dover)

Respectfully report as follows: That House Bill No. 57

third reading bill, be amended as follows:

1. Page 2, line 15.
Following: "be"
Strike: "interpreted and"

And, as so amended
BE CONCURRED IN
DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 57 2/4/77

COMMENTS ON HOUSE BILL NO. 57 BY JIM WATSON, B.S.E.E., UTILITIES ENGINEER, FOR THE MONTANA PUBLIC SERVICE COMMISSION.

* * * *

IT IS THE INTENT OF THE PUBLIC SERVICE COMMISSION TO RECOMMEND THE REPEAL of the outdated and redundant parts of Title 24, RCM 1947, Electrical Construction Regulations and to move the parts retained to Title 69, Part 1 MCA, The Public Service Commission.

Many of the standards in Title 24, RCM 1947 have been outdated due to new technology, higher voltages, better materials of construction and the advancement of the state of the art in general.

There are thirty (30) states which have adopted the National Electric Safety Code (NESC) entirely for their electrical construction standards for the utility companies. Title 24 and Title 70, RCM 1947 already specify the NESC but many of the parts in Title 24 conflict with the NESC. For instance, 24-110 specifies a certain type of insulation but it is no longer available to the utilities because of far superior insulation development.

24-112 mentions distribution voltages of 15,000; several companies are already using higher distribution voltages in Montana as are utilities in other states, due to newer technology. 24-107 prescribes guy insulation standards which have long been superseded and are more expensive and not as safe as the standards in the NESC. The rural electrical cooperatives, (R.E.A.) all of whose

construction is under NESC regulations are in fact operating in violation of 24-107.

24-102 requires an insulation for the transformer tap wire to exceed the voltage rating of the primary of the transformer. Due to increased technology, voltages of transformer primaries are in the 24,000 volt range and there is no proven safe insulation for wire manufactured higher than 8,000 volts; at the present state of the art, to use a 25,000 volt insulation may give a lineman to believe he would be safe in coming in contact with such an insulation, when in fact it would be creating a greater hazard when wiring insulation values above 8,000 volts are not relieable. Also, even if there were a wiring insulation good for 25,000 volts, the wire connects to a tap on top of the transformer which is uncovered and it is "hot" when energized.

24-109 covers "arc-lights" which utility companies have not used since the 1920's having been replaced by much more efficient forms of street lighting.

These few examples and all the parts recommended to be repealed are clearly covered in NESC; the NESC is revised every three (3) years upon advice from utilities, unions and governmental agencies. The Montana, Title 24 was reviewed by utility companies, professional engineers, attorneys, and R.E.A. line superintendent, and some of the Commission staff. A committee was formed of the above and it decided without any dissention that Title 34 should be repealed except for the few portions that should be retained

as now published in Housed Bill 57 for the 1979 Legislature.

NAME: James R. Hughes DATE: 3-14-79

ADDRESS: 560 N Park Ave. / Helena

PHONE: 449-3385

REPRESENTING WHOM? Mountain Bell

APPEARING ON WHICH PROPOSAL: HB 57

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE? _____

COMMENTS: Page 2 - Line 15 - Strike the words

"~~[illegible]~~ "interpreted and"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

March 14, 1979

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

hat House Bill No. 57 be amended as follows:

. Page 2, line 15.
ollowing: "be"
trike: "interpreted and"

HOUSE BILL NO. 57

INTRODUCED BY SPILKER

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO CONSTRUCTION STANDARDS FOR UTILITY LINES AND FACILITIES TO CONFORM WITH THE NATIONAL ELECTRICAL SAFETY CODE; INCREASING THE MAXIMUM ELECTRIC POTENTIAL FOR CERTAIN EXEMPTIONS FROM 250 VOLTS TO 450 VOLTS AND REVISING THE PENALTY FOR VIOLATIONS; AMENDING SECTIONS 69-4-201, 69-4-203, 69-4-204, AND 69-4-205, MCA; AND REPEALING SECTIONS 69-4-202 AND 69-4-211 THROUGH 69-4-241, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-4-201, MCA, is amended to read:

"69-4-201. Application of national electrical safety code. The national electrical safety code standards shall govern all future construction where involving wires for power, heat, light, telephone, telegraph, or signal cross each other or cross railroad tracks transmission or reception. Hereafter all future Except as provided in 69-4-203, electrical construction of overhead and underground electrical supply and communication lines in the state not provided for by the provisions of this part shall be in conformity with the rules and regulations set forth in the national electrical safety code approved by the American engineering standards committee national standards institute as published by the department of commerce of the United States and any and all revisions thereof as the same may exist from time to time; provided, that this section shall not be held to apply to interstate railroad electrification construction except where the wire or wires of the railroad cross or are crossed by wires belonging to others American institute of electrical and electronic engineers. Said safety code shall be interpreted and enforced by the public service commission as furnishing the standards of construction. This section shall not be held to conflict with any of the specific provisions of the laws of Montana. The national electrical safety code shall furnish construction standards and shall be interpreted and enforced by the public service commission."

Section 2. Section 69-4-203, MCA, is amended to read:

"69-4-203. Scope of law. (1) Nothing in Chapter 137, laws of 1941, shall be construed as applying to Section 69-4-201 shall not apply to:

(1) interstate railroad electrification construction except where the wires of the railroad cross or are crossed by wires belonging to others; and

(2) any electrical construction of any person using such the construction for power wires where:

REFERENCE BILL

(a) ~~such~~ the construction and wires and the power plant furnishing electricity therefor are wholly owned by ~~such~~ this person and the electricity conducted thereby is produced and used solely by ~~such~~ this person on his own premises and not sold or delivered to any other person off his premises;

(b) the wires or construction are not ~~upon or do not cross~~ over or across any highway or public place or the property of others; and

(c) ~~such~~ these wires carry have a potential of less than ~~250~~450 volts ~~of electricity~~ between any phases.

~~(2) Nothing contained in this part shall be construed to repeal 69-4-202.~~"

Section 3. Section 69-4-204, MCA, is amended to read:

"69-4-204. ~~Repealing clause~~ Effect of local ordinances. ~~All acts or parts of acts and all~~ ordinances or parts of ordinances of cities and towns in the state in conflict with ~~Chapter 171, Laws of 1917~~ the national electrical safety code are ~~hereby repealed, and hereafter no~~. No ordinance in conflict with any provisions of ~~Chapter 171, Laws of 1917, shall~~ the national electrical safety code may be enacted ~~or passed~~ in any city or town in the state."

Section 4. Section 69-4-205, MCA, is amended to read:

"69-4-205. Violations. Every corporation or joint-stock company or individual which ~~shall violate any of~~

~~the provisions of Chapter 171, Laws of 1917, shall be~~ violates 69-4-201 is guilty of a misdemeanor and ~~upon conviction thereof shall be punished by a fine of not less than $100 or more than $1,000.~~"

Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Repealer. Sections 69-4-202 and 69-4-211 through 69-4-241, MCA, are repealed.

-End-